



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1998

Mr. Raul Gonzalez  
Staff Attorney  
State Board for Educator Certification  
1001 Trinity  
Austin, Texas 78701

OR98-1436

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115679.

The State Board for Educator Certification (the "board") received a request for "any and all information" related to a particular case before the board. You claim that the requested information is excepted from disclosure under sections 552.102, 552.114 and 552.026 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.<sup>1</sup>

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Thus, we observe that section 21.355 of the Education Code provides:

A document evaluating the performance of a teacher or administrator  
is confidential.

We have examined the information provided and conclude that you must withhold the requested teacher evaluations from public disclosure pursuant to section 552.101 in conjunction with section 21.355 of the Education Code.

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Transcripts are also included in the records submitted to this office. You assert that, pursuant to section 552.102(b) of the Government Code, only certain portions of those transcripts may be disclosed. Section 552.102(b) provides that information is excepted from public disclosure "if it is a transcript from an institution of higher education maintained in the personnel file of a professional public school employee, except that this section does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee."

Numerous decisions of this office have concluded that, generally, information may be transferred between governmental agencies which are subject to the Open Records Act without destroying the confidential nature of the information. Attorney General Opinion JM-590 (1986); Open Records Decision Nos. 655 (1997), 567 (1990), 561 (1990), 516 (1989), 468 (1987) (interagency transfers of information are not considered "public" disclosures). These decisions are grounded in the well settled policy of the state that state agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. *See* Open Records Decision No. 516 (1989). These decisions also recognize that a release to a state agency is not a release to the public for purposes of Government Code section 552.007, which prohibits the selective disclosure of information, and Government Code section 552.352, which provides criminal penalties for the release of information considered to be confidential under the act. *See id.* For example, information that is excepted from public disclosure under the Open Records Act may be transferred between state agencies without destroying its confidential character if the agency to which the information is transferred has the authority to obtain it. *See* Open Records Decision Nos. 516 (1989) (Department of Public Safety transfer to Texas Attorney General's Child Support Enforcement Office authorized by statute), 490 (1988). Consequently, we agree that pursuant to section 552.102, you must withhold from disclosure all information on the transcripts submitted to this office, except for the degree obtained and the curriculum.

Next, we note that subsection (a) of section 261.201 of the Family Code provides:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with . . . [the Family] code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under . . . chapter [261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under . . . chapter [261 of the Family Code] or in providing services as a result of an investigation.

Our review indicates that certain police records consist of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Thus, the information in the requested file may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the board.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet I. Monteros", with a long horizontal flourish extending to the right.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 115679

Enclosures: Submitted documents

cc: Ms. Carmen S. Mitchell  
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2214 Main Street  
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(w/o enclosures)